

REMARKS

After entry of this Amendment, claims 1-20 are pending in the application. Claim 1 has herein been amended. The above amendments and following remarks are believed to be fully responsive to the outstanding Office Action and to render all claims at issue patentably distinct over the cited reference. Reconsideration of the Application is respectfully requested.

Applicant's attorney would like to thank Patent Examiner Rinehart for his time and courtesies extended during a phone interview conducted on February 2, 2007. During the interview, the differences between the invention, as set forth in claim 1 and Macaluso et al. (U.S. Patent No. 5, 557,858) were discussed.

Claims 1, 2, 6, 13-15, and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Macaluso et al. (U.S. 5,557,858). The rejection is respectfully traversed. Claim 13 describes two thermal conditioning units supplied by two separate streams of air. The two streams of air do not pass through a common thermal conditioning unit. The air stream supplying the first thermal conditioning unit does not pass through the second thermal conditioning unit, and likewise, the air stream supplying the second conditioning unit does not also pass through the first conditioning unit. This is in direct contrast to that which is shown in Macaluso et al.

The Examiner contends that Macaluso et al. includes at least two thermal conditioning facilities defined by the conveyor belts. Assuming for the sake of argument the Examiner is correct, the dryer apparatus (10) in Macaluso et al. is shown to include three drying facilities defined by three conveyor belts (26,28,30). A duct (56) supplies air to each of the three drying facilities. The air is discharged from duct (56) through vent (60). (*See* Macaluso et al., column 4, lines 54-62). The air is exhausted through a single exhaust assembly (62) located at the top of enclosure structure (12). Fresh air to replace the air exhausted through exhaust port (66) enters drying apparatus (10) through inlet (22). (*See* Macaluso et al., column 5, lines 7-20). Contrary to the Examiner's assertion, belts (26,28,30) do not prevent air from passing from one drying facility to another. The air stream supplied to the lower drying facility (defined by belt (36)) will pass through both the middle and upper drying facility as it flows to exhaust port (66). Similarly, the air stream supplied to

the middle drying facility (defined by belt (34)) will pass through the upper drying facility prior to being exhausted from drying apparatus (10).

Since drying apparatus (10) in Macaluso et al. includes only one exhaust port (66), any two air streams will necessarily pass through a common drying facility, which is in direct contradiction to the express limitations of claim 13. Furthermore, changing the location of exhaust port (66) will not alter this fact. For example, Macaluso et al. states that the exhaust assembly (62) may also be mounted along the side or bottom of structure (12). (*See* Macaluso et al., column 5, lines 18-20). Mounting the exhaust assembly to the side wall adjacent the middle drying facility will cause the air streams supplying the upper and lower drying facilities to flow through the middle drying facility prior to being exhausted from drying apparatus (10). Likewise, if the exhaust assembly were mounted to the bottom of the structure, the air streams supplied to the upper and middle drying facilities will pass through the bottom drying facility prior to being exhausted from the drying apparatus. It is plainly apparent that, regardless of where the exhaust assembly is located, any two air streams will necessarily pass through a common drying facility. Accordingly, it is respectfully requested that the instant rejection be reconsidered and withdrawn with respect to claims 13-15, and 17.

Claim 1 has been amended to clarify that the conditioned air passing through the cavity of any one of the at least two thermally conditioning facilities is prevented from also passing through the cavity of any one of the remaining thermally conditioning facilities. This is in direct contrast to Macaluso et al., wherein, as discussed in more detail above with respect to claim 13, at least one of the air streams supplying the three drying facilities passes through any one of the remaining two drying facilities prior to being exhausted through exhaust assembly (62). It is submitted that the amendment to claim 1 has antecedent basis in the application as originally filed, including the specification, claims, and drawings, and that the amendment does not add any new subject matter to the application. It is also submitted that the amendment will not require any additional searching beyond that which the examiner has already performed in connection with claim 13, which itself should be allowed in its present form as indicated above. Accordingly, it is

Application Serial No. 10/521,337

Page 8 of 8

Date February 12, 2007

Reply to Office Action dated October 11, 2006

respectfully requested that the instant rejection with respect to claims 1, 2, and 6 be reconsidered and withdrawn.

Reconsideration of the application as amended is requested. It is submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's Amendment, the Examiner is invited to contact Applicant's attorney at the telephone number listed below.

Respectfully submitted,

YOUNG & BASILE, P.C.

A handwritten signature in black ink, appearing to read "Daniel J. Chackowsky", is written over the printed name and title.

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Dated: February 12, 2007